

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Zoning Ordinance Text Amendment to Article 2-2, "Definitions", Section 3-3-2 "C-1 Neighborhood Commercial District", Section 3-3-3 "C-2 General Commercial District", Section 4-1-3 "Special Uses Considered in Specific Districts", Article 4-2 "USES REQUIRING ADDITIONAL EVALUATION" and Section 6-3-2 "Parking Space Allocation Requirements" of the City of Goodyear Zoning Ordinance, adopted May 24, 1999, as revised amending the provisions for bars/cocktail lounges and adding provisions for teen entertainment centers (Case ZT-03-03).

STAFF PRESENTER: Karen Keith

COMPANY CONTACT: N/A

RECOMMENDATION:

City Council approve a Zoning Ordinance text amendment to Article 2-2, "Definitions", Section 3-3-2 "C-1 Neighborhood Commercial District", Section 3-3-3 "C-2 General Commercial District", Section 4-1-3 "Special Uses Considered in Specific Districts", Article 4-2 "USES REQUIRING ADDITIONAL EVALUATION" and Section 6-3-2 "Parking Space Allocation Requirements" of the City of Goodyear Zoning Ordinance, adopted May 24, 1999, revised August 27, 2000, August 28, 2001, August 23, 2002, August 28, 2002, November 12, 2002 and September 10, 2003 amending the provisions for bars/cocktail lounges and adding provisions for teen entertainment centers.

COMMUNITY BENEFIT:

- This text amendment provides the necessary definitions and requirements as they relate to bars, cocktail lounges, nightclubs and teen centers.
- This text amendment provides a more reasonable relationship between proposed land uses and Zoning Ordinance designations.
- This text amendment provides case-by-case review of such uses that require additional evaluation.
- This text amendment provides performance standards and submittal requirements for such uses that require additional evaluation.

DISCUSSION:

City staff initiated a text amendment to the City of Goodyear Zoning Ordinance in order to amend the definitions and use provisions as it relates to bars/cocktail lounges. A recent application for commercial zoning was denied by the City Council that requested approval of a multi-venue entertainment establishment. Discussion surrounding this application led staff to research similar provisions from other Valley cities as they relate to establishments that

serve alcohol or provide entertainment. This proposed text amendment therefore addresses the following:

- Definitions of restaurant, bar/cocktail lounge, bar/microbrewery and teen entertainment center
- Parking space allocation requirements for the above uses
- Commercial district standards for the above uses
- Provisions to require a Special Use Permit for the above uses that meet certain operational and location criteria

The intent of this text amendment is to provide clear definitions for the uses stated above and provide the necessary use requirements where such land uses may be appropriately located within the City of Goodyear. While the City of Goodyear does not currently require business licenses, the best avenue for regular review of such uses is through a Special Use Permit.

In developing the proposed Zoning Ordinance text, City staff provided a cross-section of five (5) Valley city ordinances to derive such requirements. The attached matrix compares the provisions for alcohol-serving and entertainment establishments from the Cities of Phoenix, Scottsdale, Tempe, Glendale and Mesa. The proposed text amendment reflects a cross-section of these surveyed ordinances as it relates to the provisions for parking requirements, use requirements, definitions and performance standards.

Generally, the proposed text amendment suggests the following:

- The definition of "**bar/cocktail lounge**" was amended to reflect that which is provided in the Smoking Ordinance.
- A definition was added for "**bar/microbrewery**". Parking space allocation requirements are the same as those for "bar/cocktail lounge".
- A definition was added for "**teen entertainment center**". Facilities of this kind are further suggested to require a Special Use Permit in the C-2 (General Commercial) Zoning District and specific performance standards are outlined as this is a "Use requiring additional evaluation". Parking space allocation requirements are the same as those for "skating rinks, dance halls".
- Restaurants with an area devoted primarily to the consumption of alcoholic beverages not to exceed 25% are suggested as a permitted use in C-1 (Neighborhood Commercial) Zoning District.
- Bar/cocktail lounge and restaurants with an entertainment component are specifically addressed in the C-2 (General Commercial) Zoning District by operational and location criteria. Such uses that are located in close proximity to residential, or that include a level of such entertainment factors such as patron dancing, after hours, etc. are suggested to require a Special Use Permit.
- Specific submittal requirements for the aforementioned Special Use Permit uses are suggested to include a noise study, lighting plan, floor plan, public safety plan, parking study and traffic analysis.
- General requirements for the aforementioned Special Use Permit uses are suggested to include various performance standards that will ensure that such uses are appropriately located and operated in a manner that is consistent with surrounding land uses.
- Annual review is suggested for the aforementioned Special Use Permit uses.

The Planning Commission recommended approval of this text amendment at their regular meeting on November 19, 2003 with a unanimous vote of 6-0. This recommendation included the following changes from staff's original proposal:

1. The definition of "teen entertainment center" was amended to specify that no alcoholic beverages shall be served in such establishments.
2. The definition of "bar/cocktail lounge" was amended to be consistent with that found within the smoking ordinance.
3. The definition of "restaurant" will remain as it is currently defined in the Zoning Ordinance.
4. An additional performance standard was added for "teen entertainment centers" requiring a new cover charge to be required for persons who leave and re-enter such establishments.

The amendment as proposed by staff included a proposal for annual review of those uses that require a Special Use Permit. It was assumed that the annual review would be performed by staff and would be forwarded to the City Council only if necessary. The Planning Commission recommended that the annual review of Special Use Permits be done by the City Council automatically.

In deliberating this proposed text amendment, the Commission also discussed a City curfew for teens. To this, staff replied that this would be addressed at a global level, and may be provided in the City Code rather than the Zoning Ordinance. The Commission had several questions as to how this text amendment relates to the Goodyear Smoking Ordinance. In response, staff has reworded definitions to achieve consistency between these two documents.

Fire & Police Impact

Such uses that warrant additional evaluation will be required to submit a public safety plan for review and approval by the Fire & Police Departments.

FISCAL IMPACT:

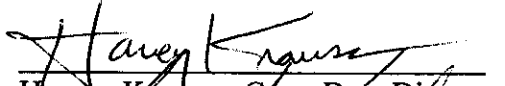
None.


Alternatives

The alternatives to approving this request for a text amendment include a continuance or a denial of the application. A continuance would be a viable alternative should the Council recognize certain aspects of the request that require additional evaluation. The City Council may elect to deny this zoning text amendment if the request is viewed as inappropriate or contradictory to the goals and objectives of the General Plan and the Zoning Ordinance. Should the Council choose to deny this request, City staff may reapply for a text amendment following a one-year period after Council action. Denial of this proposed text amendment will maintain current Zoning Ordinance requirements related to bars/cocktail lounges, which

permits all related uses in commercial zoning districts by right, requiring no additional evaluation of any kind.

REVIEWED BY:


Harvey Krauss – Com. Dev. Director


Grant Anderson – Deputy City Manager


Jim Oeser – City Attorney


Larry Price – Finance Director


Stephen Cleveland – City Manager

PREPARED BY:


Karen Keith – Planner II

ORDINANCE 03-879

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA AMENDING ARTICLE 2-2, "DEFINITIONS", SECTION 3-3-2 "C-1 NEIGHBORHOOD COMMERCIAL DISTRICT", SECTION 3-3-3 "C-2 GENERAL COMMERCIAL DISTRICT", SECTION 4-1-3 "SPECIAL USES CONSIDERED IN SPECIFIC DISTRICTS", ARTICLE 4-2 "USES REQUIRING ADDITIONAL EVALUATION" AND SECTION 6-3-2 "PARKING SPACE ALLOCATION REQUIREMENTS" OF THE ZONING ORDINANCE OF THE CITY OF GOODYEAR, ARIZONA, ADOPTED MAY 24, 1999, AS REVISED, REGARDING THE REQUIREMENTS FOR BARS/COCKTAIL LOUNGES; PROVIDING SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Goodyear Planning and Zoning Commission held a public hearing on Zoning Case ZT-03-03 on November 19, 2003 in the manner prescribed by law, for the purpose of considering this amendment to the City of Goodyear Zoning Ordinance, adopted May 24, 1999, as revised;

WHEREAS, due and proper notice of such public hearing before the City of Goodyear Planning and Zoning Commission was given in the time, form, substance and manner provided by law including publication of such notice in THE WEST VALLEY BUSINESS on October 29, 2003; and,

WHEREAS, the City of Goodyear Planning and Zoning Commission has recommended to the Mayor and Council of the City of Goodyear, Arizona that it approve the zoning text amendment as aforesaid and the Mayor and Council of the City of Goodyear, Arizona desire to accept such recommendation and amend Articles 2, 3, 4 and 6 of the City of Goodyear Zoning Ordinance, adopted May 24, 1999, as revised;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Arizona as follows:

SECTION I. Article 2-2 ("DEFINITIONS") of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended to revise the following definition of "Bar/Cocktail Lounge" as such:

"Bar/Cocktail Lounge": Business establishment devoted primarily to alcoholic beverage service to which food service is only incidental, i.e. where state sales tax receipts from the sale of alcoholic beverages equals or exceeds fifty-five percent (55%) of the total state sales tax receipts including food.

SECTION II. Article 2-2 ("DEFINITIONS") of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended to add the following definitions of "Bar/Microbrewery" and "Teen Entertainment Center":

"Bar/Microbrewery": Facility with provision for the brewing of beer for on-premises consumption only. Maximum of 25% of the floor area shall be devoted to the brewery.

"Teen Entertainment Center": Facility at which no alcoholic beverages are served and is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which entertainment activities are furnished including, but not limited to social dancing, billiards, arcade games, etc.

SECTION III. Article 3 ("ZONING DISTRICTS"), Section 3-3-2.A.11 ("C-1 Neighborhood Commercial District" – PRINCIPAL PERMITTED USES) of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended as such:

11. **Restaurants**, excluding drive-in and drive-through facilities. The area being devoted primarily to the consumption of alcoholic beverages shall not exceed twenty-five percent (25%) of the total public floor area.

SECTION IV. Article 3 ("ZONING DISTRICTS"), Section 3-3-3.A.8 ("C-2 General Commercial District" – PRINCIPAL PERMITTED USES) of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended as such:

8. **Bar/cocktail lounge** subject to the following conditions or limitations:
- a) Music or entertainment shall be limited to recorded music or one entertainer or venue only if the facility is located a minimum of five hundred feet (500') from the property line of any residentially zoned or designated property. The area within the facility designated for music or entertainment activities shall not exceed a maximum of 5,000 square feet.
 - b) The area devoted to patron dancing shall not exceed twenty-five percent (25%) of the total floor area.
 - c) The area devoted to a **microbrewery** component of such a facility shall not exceed twenty-five percent (25%) of the total floor area.

SECTION V. Article 3 ("ZONING DISTRICTS"), Section 3-3-3.A.29 ("C-2 General Commercial District" – PRINCIPAL PERMITTED USES) of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended as such:

29. **Restaurant**, excluding drive-in and drive-through facilities, subject to the following conditions or limitations:
- a) Music or entertainment shall be limited to recorded music or one entertainer or venue only if the facility is located a minimum of five hundred feet (500') from the property line of any residentially zoned or designated property. The area within the facility designated for music or entertainment activities shall not exceed a maximum of 5,000 square feet.
 - b) The area devoted to patron dancing shall not exceed twenty-five percent (25%) of the total floor area

SECTION VI. Article 4 ("SPECIAL USES, USES REQUIRING ADDITIONAL EVALUATION, NONCONFORMING USES AND BUILDINGS"), Section 4-1-3.A.1 ("Special Uses Considered in Specified Districts") of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended to add the following provisions:

- g. **Restaurants** with music or entertainment, which shall be limited to, recorded music or one entertainer or venue only if the facility is located a minimum of five hundred feet (500') from the property line of any residentially zoned or designated property.
- h. **Restaurants, bars/cocktail lounges** with any of the following factors (C-2 only):
 - 1) music or entertainment in excess of recorded music or one entertainer or venue;
 - 2) the area devoted to patron dancing exceeds twenty-five percent (25%) of the total floor area;
 - 3) after hours as defined by State law (generally, closing time of the dance floor is later than that of the bar); or
 - 4) the area within the facility designated for music or entertainment activities exceeds a maximum of 5,000 square feet.
- i. **Teen Entertainment Center**, if the facility is located a minimum of 500 feet from a **bar/cocktail lounge** (C-2 only)

SECTION VII. Article 4 ("SPECIAL USES, USES REQUIRING ADDITIONAL EVALUATION, NONCONFORMING USES AND BUILDINGS") of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended to add the following provisions:

Section 4-2-5 Restaurants, bars/cocktail lounges subject to Special Use Permit

A. REQUIRED INFORMATION – the Special Use Permit application shall specifically address the following:

- 1. Noise study
- 2. Lighting plan
- 3. Floor plan (to identify the areas for the primary use and for ancillary functions)
- 4. Public safety plan, to be reviewed and approved by the Fire and Police Departments
- 5. Parking study
- 6. Traffic analysis (if access to the establishment is from a street other than one classified by the General Plan as minor collector or greater)

B. GENERAL REQUIREMENTS

- 1. The application shall demonstrate that:
 - a) Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - b) All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - c) All sound resulting from business activities will be contained within the building, except where external speakers are permitted.

- d) The level of service on all streets accessed by the use meets all standards set by the City.
- e) All external doors shall be closed but not locked during business hours.
- 2. All approved Special Use Permits for such a use are subject to annual review by the City Council.

Section 4-2-6 Teen Entertainment Centers

A. REQUIRED INFORMATION

- 1. Noise study
- 2. Lighting plan
- 3. Floor plan (to identify the areas for the primary use and for ancillary functions)
- 4. Public safety plan, to be reviewed and approved by the Fire and Police Departments
- 5. Parking study
- 6. Traffic analysis (if access to the establishment is from a street other than one classified by the General Plan as minor collector or greater)

B. GENERAL REQUIREMENTS

- 1. The application shall demonstrate that:
 - a) Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - b) All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - c) All sound resulting from business activities will be contained within the building, except where external speakers are permitted.
 - d) The level of service on all streets accessed by the use meets all standards set by the City.
 - e) All external doors shall be closed but not locked during business hours.
 - f) No portion of a teen entertainment center shall at any time be illuminated with lighting less than two (2) footcandles per square foot. This requirement shall apply to parking areas and any other outdoor areas related to the operation.
- 2. All approved Special Use Permits for such a use are subject to annual review by the City Council.
- 3. A patron who leaves the premises shall not be readmitted without paying a separate fee for readmission.

SECTION VIII. Article 6 ("OFF-STREET PARKING AND LOADING"), Section 6-3-2 ("**Parking Space Allocation Requirements**") of the Zoning Ordinance of the City of Goodyear, adopted on May 24, 1999, as revised is amended as such:

Skating rinks, dance halls, **teen entertainment center** – 1 space per 75 sq.ft. **gross floor area** used for recreational activities and ancillary use requirements.

Restaurant, Bar/Cocktail Lounge, Bar/Microbrewery (part of a larger center where shared parking and restrooms, cross access agreements exist)	1 space per 50 sq. ft. floor area, excluding hallways, storage areas, equipment rooms, kitchens, and outdoor seating areas.
	1 space per 150 sq. ft. kitchen and employee service

areas.

1 space per 150 sq. ft. outdoor seating area.

**Restaurant, Bar/Cocktail
Lounge, Bar/Microbrewery**
(stand-alone, not part of
a larger center)

1 space per 50 sq. ft. floor area.

Section IX. Separability. If any provision of this Ordinance is for any reason held invalid by any court or competent jurisdiction, such provision shall be deemed as separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section X. Effective Date. This ordinance shall become effective as prescribed by law.

APPROVED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona,
this ____ day of _____, 2003.

James M. Cavanaugh, Mayor

ATTEST:

Dee Cockrum, City Clerk

APPROVED AS TO FORM:

James H. Oeser, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Dee Cockrum, being the duly appointed, qualified City Clerk of the City of Goodyear, Arizona, certify that the foregoing Ordinance 2003-879, passed and adopted at a City Council Meeting of the Council of the City of Goodyear, Maricopa County, Arizona held on the 15th day of December, 2003, at which a quorum was present and, by a ____ vote, __ voted in favor of said ordinance.

Given under my hand and seal, this ____ day of _____, 2003.

City Clerk

**Proposed Zoning Ordinance Text Amendment –
Provisions for Bars/Cocktail Lounges/Nightclubs**
(comparison of related requirements from a sample of Valley cities)

Definitions	Parking Requirements	C-1 requirements	C-2 requirements	CBD requirements	Performance Standards
Phoenix Bar; Public Assembly – Entertainment	1 space per 50 s.f. (indoor/outdoor) excluding kitchen, restrooms, storage, etc.	<u>Permitted</u> ■ Restaurant w/ recorded music or max. 1 entertainer <u>Use Permit</u> ■ Restaurant w/ alcohol sales ■ Restaurant w/ more than 1 entertainer ■ Restaurant w/ dancing	<u>Permitted</u> ■ Restaurant/bar/cocktail lounge w/ recorded music or max. 1 entertainer <u>Use Permit</u> ■ Restaurant/bar/cocktail lounge w/ more than 1 entertainer ■ Restaurant w/ dancing ■ Restaurant w/ outdoor activities ■ Bar or cocktail lounge if within 300' of residential and 5,000 s.f. +	<u>Permitted</u> ■ Bar, lounge, tavern w/ dancing if 300' from residential ■ Bar, lounge, tavern w/ outdoor activities if 300' from residential (closing time of outdoor to be same as bar) <u>Use Permit</u> ■ Bar, lounge, tavern w/ live entertainment (w/ more than 1 entertainer) within 300' of residential ■ Bar, lounge, tavern w/ dancing within 300' of residential ■ Bar, lounge, tavern w/ dancing open after hours ■ Bar, lounge, tavern w/ outdoor activities if within 300' of residential (closing time of outdoor to be same as bar)	1. Submittal requirements (noise study, lighting plan, access, floor plan, public safety plan, refuse control plan, parking study) 2. Type of music/entertainment is considered (i.e. recorded, live, etc.) 3. Proximity to residential 4. Outdoor activities 5. Direction & proximity of exits/entrances to res. 6. Use Permit issuance, violation, amendment & revocation factors for decision-making body 7. Business license
Scottsdale Bar/Microbrewery; Bar/Cocktail Lounge; Live Entertainment; Teen Dance Center	Bar = 1 space per 35 s.f. indoor public floor area Bar Patios = 1 space per 200 s.f. outdoor public floor area excluding the first 200 s.f. of outdoor public floor area Establishments w/ Live Entertainment = 1 space per 35 s.f. indoor public floor area baseline, added evening use spaces based on maximum occupancy of the establishment *Note: Scottsdale has additional parking provisions for downtown (generally less than C-2 and C-3 districts)	<u>Permitted</u> ■ Restaurant w/ live entertainment up to 2,500 s.f. ■ Restaurant w/ alcohol sales (max. 25% of public floor area)	<u>Permitted</u> ■ Restaurant w/ microbrewery, 30% w/ limited retail sales (max. 15% floor area) ■ Restaurant w/ live entertainment ■ Teen Dance Center ■ Bar/cocktail lounge without live entertainment	<u>Permitted</u> ■ Restaurant w/ microbrewery, 30% w/ limited retail sales (max. 15% floor area) ■ Restaurant w/ live entertainment ■ Teen Dance Center ■ Bar/cocktail lounge without live entertainment	1. Annually renewed Business License (proposed) 2. Submittal requirements (noise study, lighting plan, access, floor plan, public safety plan, refuse control plan, parking study) 3. Type of music/entertainment is considered (i.e. recorded, live, etc.) 4. Proximity to residential 5. Outdoor activities 6. % of floor area devoted to consumption of alcohol, brewery, bottling & packaging (microbreweries) 7. Buffering (wall and/or landscape) 8. Well lit entrances 9. External doors closed but not locked during business hours 10. Limit on external speakers 11. Limit entry of disorderly persons 12. Require new cover charge for persons who re-enter facility 13. Limit packaged liquor sales 14. Use Permit issuance, violation, amendment & revocation factors for decision-making body

Tempe**	Bar, Entertainment; Restaurant*	1 space per 50 s.f.; other provisions for bicycle parking minimums)	<p>"CSS District (equivalent to C-1 and C-2)"</p> <p><u>Permitted</u></p> <ul style="list-style-type: none"> Restaurant only <p><u>Use Permit</u></p> <ul style="list-style-type: none"> Brewery Bar* (indoor/outdoor), tavern, nightclub Teen night club Entertainment establishments (not including fine arts) Restaurant w/ entertainment as accessory 	<p><u>Permitted</u></p> <ul style="list-style-type: none"> Restaurant only <p><u>Use Permit</u></p> <ul style="list-style-type: none"> Brewery Bar* (indoor/outdoor), tavern, nightclub Teen night club Entertainment establishments (not including fine arts) Restaurant w/ entertainment as accessory 	<p>1. Burden of proof rests w/ the applicant</p> <p>2. Conditions to impose w/ the Use Permit (limit hours of operation, require site features that minimize negative impacts, screening measures, designate vehicle access points, additional setbacks, building height, size and lot coverage limits)</p>
Glendale	Bar; Cocktail Lounge	<p>Cocktail lounge = 1 space per 100 s.f.</p> <p>Restaurant/bar = 1 space per 200 s.f.</p>	<p>"Neighborhood Shopping Center"</p> <p><u>Permitted</u></p> <ul style="list-style-type: none"> Restaurant only <p><u>Use Permit</u></p> <ul style="list-style-type: none"> Live entertainment w/ more than 1 musician, or dancing 	<p><u>Permitted</u></p> <ul style="list-style-type: none"> Bar/cocktail lounge <p><u>Uses subject to conditions</u></p> <ul style="list-style-type: none"> Live entertainment w/ more than 1 musician, or dancing if entrances & exits are more than 300' from residential (dance floor = max. 1/8 floor area); excludes after hours <p><u>Use Permit</u></p> <ul style="list-style-type: none"> Live entertainment including nightclubs w/ more than 1 musician, or dancing; if exits & entrances are within 300' of residential; excludes after hours 	<p>1. Closing time of dance floor simultaneous w/ closing of bar (no after hours)</p> <p>2. Limits on type of live entertainment</p> <p>3. Submittal requirements: hours of operation, employee plan, processes & materials involved in the use, traffic volume</p> <p>4. Findings and revocation criteria for decision-making body</p> <p>5. Use Permit runs w/ the land, regardless of ownership</p>
Mesa	Accessory bar; Bar; Cocktail Lounge; Restaurant*	<p>Restaurant/bar = 1 space per 75 s.f. gross floor area and outdoor seating area</p> <p>Dance Halls = 1 space per 75 s.f. gross floor area used for recreational activities and ancillary use requirements</p>	<p><u>Permitted Use</u></p> <ul style="list-style-type: none"> Restaurant only 	<p><u>Permitted Use</u></p> <ul style="list-style-type: none"> Restaurant w/ bar or cocktail lounge as accessory use (no outdoor) 	<p>No performance standards.</p>

*Restaurant definitions provide clear distinction from drinking establishments.

**Tempe ordinance in draft form, not yet adopted.

*** Scottsdale's proposed update to the provisions for bar, after hours, and live entertainment uses (not yet adopted)

Live entertainment will either require:

1. Administrative approval through a business license (subject to annual or biannual review), OR

2. Use Permit;

Live entertainment to be redefined (factors to be determined: disk jockey, karaoke, # of vocal/ instruments with/without amplification, outdoor performances);

Bars and after hours will require a Use Permit (measurable criteria to be established; revocation ability of Council); and,

Restaurant to be specifically defined to distinguish from drinking establishments.

Proposed Zoning Ordinance Text Amendment –
Provisions for Bars/Cocktail Lounges/Nightclubs
(proposed regulations)

**Note: ~~Strikethrough~~ and underlined text refers to that which was amended by the Planning Commission from staff's original proposal.

DEFINITIONS (ARTICLE 2)

Restaurant (current definition): Establishment whose primary business is serving food to the public.

~~**Restaurant** (proposed definition): Establishment which derives at least forty percent (40%) of its gross revenue from the sale of prepared food.~~

~~**Bar/Cocktail Lounge** (current definition): Establishment in which the primary business is serving alcoholic beverages to the public for consumption on the premises.~~

Bar/Cocktail Lounge (proposed definition): Business establishment devoted primarily to alcoholic beverage service to which food service is only incidental, i.e. where state sales tax receipts from the sale of alcoholic beverages equals or exceeds fifty-five percent (55%) of the total state sales tax receipts including food.

Bar/Microbrewery (proposed definition): Facility with provision for the brewing of beer for on-premises consumption only. Maximum of 25% of the floor area shall be devoted to the brewery.

Teen Entertainment Center (proposed definition): Facility at which no alcoholic beverages are served and is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which entertainment activities are furnished including, but not limited to social dancing, billiards, arcade games, etc.

Parking Space Allocation Requirements (ARTICLE 6)

Add "Teen Entertainment Center" to "Skating rinks, dance halls"

Add "cocktail lounge" and "microbrewery" to "Restaurant/Bar"

C-1 (Neighborhood Commercial District) (ARTICLE 3)

PRINCIPAL PERMITTED USES

(Current language)

11. **Restaurants**, excluding drive-in and drive-through facilities.

(Proposed language)

11. **Restaurants**, excluding drive-in and drive-through facilities. The area being devoted primarily to the consumption of alcoholic beverages shall not exceed twenty-five percent (25%) of the total public floor area.

C-2 (General Commercial District) and CBD (Central Business District) (ARTICLE 3)

PRINCIPAL PERMITTED USES

(Current language)

- 8. **Cocktail lounge.**
- 29. **Restaurant, excluding drive-in and drive-through facilities.**

(Proposed language)

- 8. **Bar/cocktail lounge** subject to the following conditions or limitations:
 - a) Music or entertainment shall be limited to recorded music or one entertainer or venue only if the facility is located a minimum of five hundred feet (500') from the property line of any residentially zoned or designated property. The area within the facility designated for music or entertainment activities shall not exceed a maximum of 5,000 square feet.
 - b) The area devoted to patron dancing shall not exceed twenty-five percent (25%) of the total floor area.
 - c) The area devoted to a **microbrewery** component of such a facility shall not exceed twenty-five percent (25%) of the total floor area.
- 29. **Restaurant, excluding drive-in and drive-through facilities, subject to the following conditions or limitations:**
 - a) Music or entertainment shall be limited to recorded music or one entertainer or venue only if the facility is located a minimum of five hundred feet (500') from the property line of any residentially zoned or designated property. The area within the facility designated for music or entertainment activities shall not exceed a maximum of 5,000 square feet.
 - b) The area devoted to patron dancing shall not exceed twenty-five percent (25%) of the total floor area

Special Uses Considered in Specified Districts (Article 4)

- 1. Commercial Districts
 - g. **Restaurants** with music or entertainment, which shall be limited to, recorded music or one entertainer or venue only if the facility is located a minimum of five hundred feet (500') from the property line of any residentially zoned or designated property.
 - h. **Restaurants, bars/cocktail lounges** with any of the following factors (C-2 only):
 - 1) music or entertainment in excess of recorded music or one entertainer or venue;
 - 2) the area devoted to patron dancing exceeds twenty-five percent (25%) of the total floor area;
 - 3) after hours as defined by State law (generally, closing time of the dance floor is later than that of the bar); or
 - 4) the area within the facility designated for music or entertainment activities exceeds a maximum of 5,000 square feet.
 - i. **Teen Entertainment Center**, if the facility is located a minimum of 500 feet from a **bar/cocktail lounge** (C-2 only)

USES REQUIRING ADDITIONAL EVALUATION (Article 4)

Section 4-2-5 Restaurants, bars/cocktail lounges subject to Special Use Permit

- A. **REQUIRED INFORMATION** – the Special Use Permit application shall specifically address the following:
1. Noise study
 2. Lighting plan
 3. Floor plan (to identify the areas for the primary use and for ancillary functions)
 4. Public safety plan, to be reviewed and approved by the Fire and Police Departments
 5. Parking study
 6. Traffic analysis (if access to the establishment is from a street other than one classified by the General Plan as minor collector or greater)
- B. **GENERAL REQUIREMENTS**
1. The application shall demonstrate that:
 - a) Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - b) All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - c) All sound resulting from business activities will be contained within the building, except where external speakers are permitted.
 - d) The level of service on all streets accessed by the use meets all standards set by the City.
 - e) All external doors shall be closed but not locked during business hours.
 2. All approved Special Use Permits for such a use are subject to annual review by the City Council.

Section 4-2-6 Teen Entertainment Centers

- A. **REQUIRED INFORMATION**
1. Noise study
 2. Lighting plan
 3. Floor plan (to identify the areas for the primary use and for ancillary functions)
 4. Public safety plan, to be reviewed and approved by the Fire and Police Departments
 5. Parking study
 6. Traffic analysis (if access to the establishment is from a street other than one classified by the General Plan as minor collector or greater)
- B. **GENERAL REQUIREMENTS**
1. The application shall demonstrate that:
 - a) Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - b) All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

- c) All sound resulting from business activities will be contained within the building, except where external speakers are permitted.
 - d) The level of service on all streets accessed by the use meets all standards set by the City.
 - e) All external doors shall be closed but not locked during business hours.
 - f) No portion of a teen entertainment center shall at any time be illuminated with lighting less than two (2) footcandles per square foot. This requirement shall apply to parking areas and any other outdoor areas related to the operation.
2. All approved Special Use Permits for such a use are subject to annual review by the City Council.
 3. A patron who leaves the premises shall not be readmitted without paying a separate fee for readmission.